

REMARKS/ARGUMENTS

Claims 1-5 are pending in the present application. Claims 1-5 have been rejected as obvious under 35 USC § 103(a) over US Pat Appl No. 2002/0072925 by Krim. Applicant respectfully disagrees with Examiner's conclusion in this regard. It is believed that Examiner has misperceived certain fundamental aspects of the Krim disclosure.

Applicant's claim 1 requires, in pertinent part, the creation by person of a message during life, that the message be stored, and that the message be publicly played at the person's funeral. Krim does not teach these limitations.

At page 2 of the Office Action, Examiner refers to Krim ¶¶ 0063-0064 as teaching that it is the decedent's message that is presented at the funeral. Applicant disagrees. Krim ¶ 0063 plainly states that

[s]urvivors of the deceased may establish an internet hookup and a digital video camera at the funeral, to make the proceedings available to any interested person over the internet. The person, conversely, may have a digital video camera or microphone so that the person may communicate with those at the live funeral, or may provide a prerecorded message, or may type words that will be shared with the live participants through an instant messaging service."

emphasis added) This passage refers not to the decedent's message, but to the participation of survivors who cannot attend the services.

Examiner, at pages 2-3, suggests that Krim ¶¶ 28-33 represent messages to be played at the funeral. Again, Applicant does not concur. Krim ¶ 28 states that messages "to be sent at death" (emphasis added) include:

- [0029] Friends, family, etc. to be notified of the member's death and funeral;
- [0030] Whether the member has will or living trust, and the location of the original document;
- [0031] Whether the member owns a life insurance policy, pension...or other account...and the location of any documents;
- [0032] Locations of any bank or securities accounts, safe deposit boxes, etc. and the location of any associated records;
- [0033] Any other important information about the family, such as photographs, heirlooms, etc.

(emphasis added).

The timing of the message is not insignificant, as Krim teaches sending a message "at death". It is non-sense to play a notification of the death and funeral at the funeral, as attendees clearly received that information much earlier. Furthermore, whether a decedent has a will, a bank account, a safe deposit box or any other personal property or assets is certainly not something that decedents or their executors and representatives will publish or disclose publicly at a funeral. To the contrary, instructions regarding assets and personal property are often subject to a number of limitations on disclosure. Krim teaches a notification function, not a mourning function, and as such Krim teaches away from Applicant's claimed invention.

As to Krim ¶ 37-38, while it is provided that the person may leave audio-visual materials to be delivered to designated individuals, Krim does not teach that this delivery occur at a funeral service. Owing to its notification function, Krim teaches a method by which persons may be notified of the

decedent's passing in a manner selected by the decedent while living, utilizing Krim's disclosure. The timing and content of the personal notification can be pre-determined, but there is no teaching that it occur at the time of the funeral.

Krim does not disclose each of the limitations of Applicant's claim 1. Furthermore, Krim expressly teaches away from Applicant's disclosure. Pending claims 2-5 each depend from claim 1. For the reasons set forth herein, Applicant submits that the grounds for rejection have been removed, and respectfully requests that the rejection be withdrawn.

CONCLUSION

Claims 1-5 are believed to be in condition for allowance, the same being courteously solicited. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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